

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:

RULE AMENDMENTS RELATING TO THE POSSESSION AND RELEASE OF FURBEARING MAMMALS) Administrative Cause) Number 10-100D) (LSA Document #10-614(F))
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**REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC COMMENTS,
ANALYSIS AND RECOMMENDATION REGARDING FINAL ADOPTION**

1. RULE PROCESSING

For consideration are proposed amendments to 312 IAC 9-3-14.5 that require all trapped furbearing mammals to be released in the county of capture or euthanized within 24 hours except that the amendments authorize the possession of live raccoons, red and gray foxes and coyotes during the trapping season for the particular species under compliance with specified housing requirements. At the end of the hunting or trapping season any raccoon, fox or coyote maintained live during the season must be euthanized or kept under a game breeder license or wild animal possession permit. The amendments also extend the time that an individual may possess untanned hides and unprocessed carcasses of furbearing mammals. Also under consideration are amendments to 312 IAC 9-3-15 to eliminate the requirement that a resident landowner or tenant notify a conservation officer of the taking of a nuisance mammal that was damaging property. The amendments require that nuisance mammals must be released in the county of capture or euthanized within 24 hours and expressly prohibits an individual from selling, trading, bartering or gifting the mammal.

The Natural Resources Commission (*NRC*) granted preliminary adoption of this rule amendment proposal on July 20, 2010.

The “Notice of Intent” to adopt the proposed rule amendment was posted to the INDIANA REGISTER database website as 20100929-IR-312100614NIA on September 29, 2010. The notice identified Linnea Petercheff, Department of Natural Resources, Division of Fish and Wildlife, as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

As specified by Executive Order, proposed fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on September 30, 2010. In a letter dated January 4, 2011,

Adam. M. Horst, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (LSA) along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”) on January 18, 2011. The Notice of Public Hearing was submitted to LSA on January 19, 2011. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the INDIANA REGISTER database website on January 26, 2011 as 20110126-IR-312100614PHA. Following receipt of an “Authorization to Proceed” from LSA on January 19, 2011, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County Indiana, on February 2, 2011. In addition, the notice of the public hearing and a summary of the proposed rule changes were published on the Commission’s web-based electronic calendar.

As required by Ind. Code § 4-22-2.1-5, a copy of the rule proposal and Economic Impact Statement was forwarded to the Indiana Economic Development Corporation (the “IEDC”) for review and comment on January 19, 2011. In a letter dated and received on February 21, 2011, Ryan Asberry, Assistant Vice President of IEDC stated, “The IEDC does not object to the economic impact to small businesses associated with the proposed rule.” The IEDC’s comments were posted to the Commission’s Website on February 28, 2011 at <http://www.in.gov/nrc/2348.htm>, and were available for review at the public hearing as required by Ind. Code § 4-22-2.1-6.

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

A public hearing was scheduled and conducted on April 4, 2011 at the Plainfield Public Library located at 1120 Stafford Road in Plainfield, Indiana. Sandra Jensen served as the hearing officer and Linnea Petercheff was present on behalf of the Department of Natural Resources (*Department*). No member of the public attended the public hearing.

b) Comments Received Outside Public Hearing¹

Written public comments were received from approximately July 20, 2010 until April 8, 2011. The written comments are attached to this report as Exhibit A, which is incorporated by reference.

¹ There were a number of comments received with respect to this rule proposal that speak to the issue of running coyotes and foxes on dog training grounds. These comments are not relevant to this rule amendment proposal.

c) Response by the Department of Natural Resources' Division of Fish and Wildlife

The Department of Natural Resources' Division of Fish and Wildlife (*DFW*) responded to the public comments on April 18, 2011. A copy of the DFW's response is attached as Exhibit B, which is incorporated by reference.

3. ANALYSIS AND RECOMMENDATION

A variety of public comments were received with respect to this rule amendment proposal. A number of the comments suggest revisions or express concerns that are deserving of additional consideration.

Initially it is important to consider a challenge by individuals who alleges that the proposed rule amendments are inconsistent with Indiana Code § 14-22-2-6(b), which sets forth one aspect of the NRC's rule adoption authority with respect to the DFW. Indiana Code § 14-22-2-6(b) states:

Sec. 6. (b) Rules:

- (1) may be adopted only after thorough investigation; and
- (2) must be based upon data relative to the following:
 - (A) The welfare of the wild animal.
 - (B) The relationship of the wild animal to other animals.
 - (C) The welfare of the people.

The comment elaborates particularly that the proposed rule's authority for trappers to possess raccoons, foxes and coyotes live during the season for the particular species does not consider the welfare of the wild animal as required by Indiana Code § 14-22-2-6(b)(2)(B).

On this particular issue it is imperative to understand that 312 IAC 9-3-14.5(b), as it presently exists, authorizes the possession of not only live raccoons, foxes and coyotes but also authorizes the possession of live striped skunks, beavers, minks, muskrats, long-tailed weasels, and Virginia opossums during respective season to take that species. The present rule amendment proposal will restrict trappers' ability to possess live animals by prohibiting the possession of live striped skunks, beavers, minks, muskrats, long-tailed weasels, and Virginia opossums during the season. The matter to be considered as a result of these comments is whether the proposed prohibition on the possession of live striped skunks, beavers, minks, muskrats, long-tailed weasels, and Virginia opossums should be extended to include raccoons, foxes and coyotes.

Conversely, trappers, Fur Takers of America (*FTA*) and the Indiana State Trapping Association (*ISTA*) have expressed opposition to the proposed prohibition on a trapper's ability to possess live striped skunks, beavers, minks, muskrats, long-tailed weasels, and Virginia opossums during the season. These comments reflect a desire to have this proposed prohibition stricken from the

rule so that trappers would maintain their present authority to possess each of these species live during the season for that respective species.

The DFW's response reflects an overall preference for reducing the number of species of animals that may be retained alive by individuals. The limitation imposed by this proposed rule amendment is consistent with that preference. The DFW noted that raccoons, foxes and coyotes are the "most commonly kept species" and that only these species "should be retained alive for a legitimate purpose such as the collection of urine to use for trapping other animals." Because raccoons, foxes and coyotes are the most common species possessed alive and because hide prices for other species are low enough that trapping and the keeping of those species for urine collection is not prevalent, the prohibitions proposed in this rule amendment accomplishes the purpose of reducing private possession of live wildlife without unduly hindering a trapper's traditional practice of collecting urine from the most commonly trapped species for use as lures.

Trappers, commenting on their own behalf and on behalf of FTA and ISTA urge the NRC's approval of the proposed housing and care requirements for animals possessed live by trappers. These proposed requirements are also generally applauded in comments received from individuals outside the trapping community.

Some of the comments from non-trappers who generally support the imposition of housing and care requirements nonetheless question the less stringent requirements imposed upon the trappers as compared to the requirements imposed upon individuals authorized to possess wild animals by authority of game breeder licenses under 312 IAC 9-10-4, wild animal rehabilitation permits under 312 IAC 9-10-9 and wild animal possession permits under 312 IAC 9-11. (*See particularly the comments of Priscilla Herochik*) The comments, which particularly compare the requirements imposed upon the possession of a wild animal under a rehabilitation permit to requirements imposed here, note that in both cases the possession of coyotes and foxes could continue for nearly six months. However, the comment continues that under a recent amendment to the rehabilitation permit rule an individual is required to undergo pre-licensure testing and before holding an animal must have a satisfactory facility inspection and thereafter the license holder must comply with continuing education requirements, possess certain reference material and provide the animal with veterinary care. Under the proposed amendment, trappers are not required to fulfill any additional licensure requirements, comply with similar pre-holding criteria or comply with other requirements similar to those imposed upon licensed rehabilitators.

The content of the proposed rule amendments, which limits the number of species that trappers may possess live during the season and imposes newly established housing and care requirements, reflects the DFW's consideration of animal welfare as required by Indiana Code § 14-22-2-6(b)(2)(B). The reality is that the housing and care requirements proposed in this rule are less stringent than those imposed upon individuals applying for and holding wild animal

rehabilitation permits. The housing and care requirements imposed on a licensed game breeder or an individual under a wild animal possession permit are, likewise, different than the requirements proposed here or those imposed on a wild animal rehabilitator. However, the truth of the matter is that raccoons, foxes and coyotes possessed live by trappers are destined for euthanasia. Contrast that with the fact that animals possessed by wild animal rehabilitators are expected to be returned the wild where they could have an impact upon the health of other wild animals. Therefore, it stands to reason that the Department strives to ensure that animals possessed by trappers are treated humanely while alive but makes increased efforts to ensure that wild animals in the possession of rehabilitators are not only treated humanely but are as healthy as possible at the time of release to ensure the well-being of not only that animal but the well-being of all wild animals. A review of the housing and care requirements contained within this rule proposal and within rules applicable to game breeder licenses, wild animal possession permits and wild animal rehabilitation permits reveals that the requirements are in direct correlation with the intended purposes of the permit or license involved.

Comments received from trappers, FTA and ISTA state opposition for the imposition of time limits for possessing untanned hides and unprocessed carcasses and propose that these restrictions be entirely eliminated. The comments reflect, "There is no reason to not allow possession of legally taken fur-bearers year round." (*See comments of Tim Julien, Tim Rose/Ron Elliott*)

The present rule allows an untanned hide or unprocessed carcass to be possessed for "not more than twenty (20) days after the close of the hunting or trapping season" 312 IAC 9-3-14.5(d)(2). Based upon the hunting and trapping seasons as set forth at 312 IAC 9-3-11 through 312 IAC 9-3-14, the possession deadline for mink, muskrat, long-tailed weasel, Virginia opossum and raccoon would be February 20th of each year, while the possession deadline for fox would be March 20th of each year and for skunk and beaver would be April 4th of each year. The proposed rule, which authorizes the possession of untanned hides and unprocessed carcasses until May 15th of each year, will increase the time of possession by approximately 40 to 80 days depending upon the species involved. Additionally, a trapper who wishes to possess the untanned hides and unprocessed carcasses beyond May 15th will be allowed to maintain possession until June 15th upon providing notice to the DFW.

The DFW considered that by extending the time for trappers to possess untanned hides and unprocessed carcasses to May 15th will allow trappers to process and sell hides at the North American Fur Auction, something that trappers are presently not able to do because of the existing possession restrictions. The DFW acknowledges that removing the restrictions on a trapper's ability to retain possession of untanned hides and unprocessed carcasses would allow trappers to hold the hides awaiting price increases but observes also that the hide market price could also decrease thereby resulting in increased waste. Also of importance are the concerns of

the DFW that any further extension of the time for trappers to possess untanned hides and unprocessed carcasses would likely result in difficulties associated with enforcement.

The DFW's approach to increasing the time trappers may possess untanned hides and unprocessed carcasses appears to balance the needs and interests of the trappers against the legitimate interest of the Department to effectively carry out its enforcement responsibilities.

The DFW, in its response, noted that a conflict exists within subsection (e) of the proposed rule language. The published language in that subsection requires the "immediate" euthanasia of a furbearing mammal while simultaneously appearing to allow euthanasia to occur within 24 hours. The DFW recommended that the language at subsection (e) be revised as follows:

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal must ~~within twenty-four (24) hours of capture~~ either:
(1) release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture; or
(2) euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site.

It is recommended that the revision, as suggested by the DFW, be approved by the NRC to eliminate the inconsistency.

The hearing officer recommends that the rule amendment proposal as set forth at Exhibit C, which is incorporated by reference, be granted final adoption with the revision to subsection (e) as discussed above. The rule language included at Exhibit C has been amended to reflect the recommended revision.

Dated: April 21, 2011

Sandra L. Jensen
Hearing Officer

EXHIBIT A

WRITTEN PUBLIC COMMENTS

Commentor Name Priscilla Herochik, R.N.J.D.

Commentor County 45

Commentor State IN

Commentor City Crown Point

Commentor Organization Advocates for Indiana Wildlife

Commentor Email [Email Commentor](#)

Comment The law, as currently written, does not allow for holding of these animals after trapping them. They are to be killed, released or sold, not held. This proposed rule goes beyond the scope of the DNR's rule-making power.

Having said that, and reserving that objection, the rules for animal protection as offered would be deficient in protecting the animals in that they are watered-down versions of the rules to be in place for rehabilitators of wildlife. Moreover, there is nothing in these rules that would make them enforceable: No additional permit, no need to sign under oath as to statements made, no pre-holding examination of facilities and no veterinarian care for those injured by the traps. Since the same animals held by trappers are those that are held by rehabilitators, the same requirements should be mandated. Thus, I have formulated an alternative rule which I believe would be fair to the trappers and protective of the animals. The proposed alternative rules are as follows:

Alternative Rules Proposed for 312 IAC Trapped Wild Animal Holding Permit

This section governs a permit to possess a wild animal until the end of trapping season.

This permit is required for a trapper to take or temporarily possess any wild animal trapped for holding and ultimately furbearing purposes and for sale of furs/and or live animals and is available only to an individual who is a resident of Indiana.

An application for a permit under this section shall be completed on a departmental form and must establish the following:

(1) The applicant has experience and knowledge regarding the needs of wildlife and care techniques or the trapper applicant must have one year of experience with an individual who has a license to hold animals and who has experience and knowledge regarding the needs of wildlife and care techniques.

(2) The applicant has correctly answered at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology and care of wild animals and the laws relating to wild animal trapping. The questions will originate from department study materials and will be used in continuing education opportunities sponsored by the department.

(3) A permit holder who has satisfied subdivision (2) must, within three (3) years of being issued a permit, either:

(A) satisfy the same requirements as are set forth in subdivision (2) on another examination; or

(B) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department.

(4) An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after the second failure unless the individual has completed continuing education approved by the division, in which case the individual may take the test for a third time within one hundred eighty (180) days from the time the test was first taken.

(5) The name and address of a veterinarian willing to assist the applicant with necessary medical needs of wild animals including treatment of trap related injuries. Should the trapped animal have such an injury, it must be immediately and humanely destroyed or taken to the veterinarian for treatment.. The veterinarian shall sign the application and attest to having experience in the care of the species of wild mammals to be held until the end of the trapping season. If the applicant is a veterinarian, the signature of another veterinarian is not required.

(6)A listing of the wildlife care reference books in possession of the applicant. The individual must have at least one (1) reference book that:

- (A) includes information pertaining to each species listed on the application form, and
- (B) is on the list approved by the department.

(7) The applicant must submit the names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(8) The applicant must submit the species or type of animals that will be trapped and held until the end of trapping season.

(9) The applicant must provide a description of the holding facilities, equipment, and supplies. The description shall include the following:

- (A) Cages.
- (B) Food sources
- (C) Medical supplies.
- (D) Transporting devices
- (E) Other items to be utilized in holding the animals through the trapping season.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches. The applicant shall list what species will be housed in the various enclosures .

(10) The individual must be at least eighteen (18) years old.

(11) The individual must submit documentation, such as a letter of reference, of experience with a licensed veterinarian or someone else trained in wildlife needs with the application form.

(12) An amended application must be filed with the division if there is a material change to the information including but not limited to the address of the applicant, name of assisting veterinarian, additional species of animals, or change in assistants to that provided in the original application. The amended application must include the name, address, and telephone number of any additional person who would assist the permit holder.

(A) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(B) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and to conform with any other conditions specified by the permit.:

(1) Cages must be cleaned daily using non-irritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in an environment that minimizes human contact and lessens stress on the animals.

(5) Wild animals must not be placed in a cage that would allow physical contact of the animals with domestic, hunting or companion animals.

(6) If suspected of having an infectious disease, wild animals must be killed or quarantined in areas designated for that purpose.

(13) Wild animals must be kept in enclosures at all times and have contact with the permit holder or designated assistants only to the extent necessary to provide adequate care and treatment.

(14) Wild animals must be housed in enclosures that are:

- (A) structurally sound,
- (B) of sufficient strength for species involved,
- © maintained in good repair to prevent escape or injury to wild animals being rehabilitated,
- (D) constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility,
- (E) secured when unattended, and
- (F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health.

(15) No exposed sharp objects, ponds with steeply sloped banks, toxic plants or sealants, poisonous vegetation may be used in the construction of enclosures.

(16) Enclosures shall have either visual barriers or be separated by distance far enough to

restrict a wild animal's view of humans and other species being held to reduce stress.

(17) Ambient temperatures must be appropriate for the species located within the enclosure.

(18) Adequate ventilation by means of windows, doors, vents, fans or air conditioning shall be provided to protect wild animal health and to minimize drafts, odors and condensation.

(19) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photo period, if necessary for the species in possession.

(20) Adequate shade, weatherproof shelters, nest boxes, perches, and dens shall be provided to protect wild animals from inclement weather and direct sun if kept outdoors.

(21) Wild animals must be fed as follows:

(A) appropriately and adequately to meet nutritional needs.

(B) with food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

© with food receptacles that are appropriately sized, easily accessible, kept sanitary and safe.

(22) Wild animals must be given water as follows:

(A) every attempt should be made to provide fresh clean water for drinking throughout the day.

(B) Water receptacles must be appropriately sized, easily accessible, kept sanitary as much as possible and safe.

(23) Removal and disposal of wild animal food wastes, feces and urine, bedding, from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of. No carcasses from dead furbearers shall be fed to other furbearers at any time.

(24) Cages, equipment, and food and water receptacles shall be sanitized between each adult wild animal use to prevent disease transmission.

(25) At the end of trapping season, the animal shall must be released into the

wild or destroyed.

(A) The wild animal must be released on land only with permission of the landowner.

(B) A wild animal that is known to be diseased may not be released.

(26) A permit holder may possess a wild animal only until five days after the end of trapping season.

(27) A permit holder may destroy a wild animal by a method that is recommended and approved by the division.

(28) The bodies, excluding the skin and fur, of wild animals that are destroyed or otherwise die while in the care of a trapper permit holder must be:

(a) Buried,

(b) Incinerated on private property with prior permission,

© Given to a veterinarian or landfill for proper disposal,

(d) Put in the trash if double-bagged,

(e) If destroyed with chemicals, disposed of only according to the label,

(f) Kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under 312 IAC 9-10-13.5,

(g) Donated to a properly licensed university or other educational or scientific institution if the permit holder has a special purpose salvage permit issued under 312 IAC 9-10-13.5.

(29) The permit holder must file an application by (whatever date would be best) of each year in order to renew the permit. The annual report required under subsection ^ must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(30) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If

the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(31) A wild animal possessed pursuant to a permit issued under this section must not be displayed or placed in physical contact with the public. Public exhibition or display of any kind of wild animals being held to the public is prohibited except for trapper and assistants. Electronic viewing and photographs are allowed.

(32) A permit holder must maintain current records for each wild animal to include the following:

- (A) The species and condition of the animal.
- (B) The date of receipt by the permit holder.
- (C) The treatment, including the use of any prescription products, provided to the animal while in captivity.
- (D) The method and date of disposition of the wild animal.

(33) If a wild animal has been given an antibiotic, vaccine, or other chemical, the records must include the date the drug was given to the animal. All records must be maintained at the facility of the permit holder for a minimum of three (3) years.

(34) The permit holder shall provide an a signed annual report under oath to the division by ^^^ of each year. The report shall list the following:

- (1) The species and condition of each animal.
- (2) The date the animal was received.
- (3) The name and address county or other source.
- (4) The method, location, and date of disposition of the animal.

The report may be a computerized record or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(35) A permit holder must not commercially advertise trapping services or solicit for trapping a wild animal that is subject to this section.

(36) A copy of the permit issued under this section must be on the individual when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(l) (w) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A permit issued under this section.
- (2) This article or IC 14-22.
- (3) Another applicable state, local, or federal law.

I sincerely hope that you will incorporate these elements in the rules, if adopted, because without these additions the rules are nothing but watered-down attempts to justify letting the trappers do what they want with the animals with no real supervision at all.

Thank you for your considerations in this matter.

Time stamp

Commentor Name Stephen K. Fulford

Commentor County 53

Commentor State IN

Commentor City Blgtn

Commentor Organization

Commentor Email [Email Commentor](#)

Comment If I read the rule change properly on the posession of furs or hides after the close of trapping season the time period has been extended. If that is correct I agree that it needs to. A trapper has a small market to sell to and a limited time after season closes to process his pelts for hopefully a better market. My only concern is that a complicated or incumbersome permit or paperwork will be required. Thank You

Time stamp

Commentor Name jack corpuz

Commentor County 49

Commentor State IN

Commentor City indianapolis

Commentor Organization private citizen

Commentor Email [Email Commentor](#)

Comment Support the rule proposal.

However, live trapping of foxes and coyotes for resale to dog running pens is misuse of natural resources (wildlife) and should not be allowed.

Jack Corpuz

Time stamp

Commentor Name Robert McKinney

Commentor County 57

Commentor State IN

Commentor City Wolcottville mckinney

Commentor Organization

Commentor Email [Email Commentor](#)

Comment As a coonhunter I support these proposals

Time stamp

Commentor Name Tim Rose

Commentor County 3

Commentor State IN

Commentor City Columbus

Commentor Organization

Commentor Email [Email Commentor](#)

Comment I support the IDNR's suggested rule change.

It would be nice to be able to hold fur year round, but this is a step in the right direction.

Respectfully,

Tim Rose

Time stamp

Commentor Name Priscilla Herochik

Commentor County 45

Commentor State IN

Commentor City Crown Point

Commentor Organization Advocates for Indiana Wildlife

Commentor Email [Email Commentor](#)

Comment At the August 20, 2010, NRC meeting, the DNR disclosed why they allow trappers to hold trapped animals throughout trapping season: to capture urine. The first requirement of IC 14-22-2-6 is that the NRC base all adoption of rules upon data relative to what is best for the "welfare of the animal." When this commenter asked the NRC chairman at that August meeting what data the NRC had relied upon relevant to the welfare of the animals in allowing this practice, much to commenter's surprise, the chairman seemed unable to recognize the language taken directly from the NRC's enabling statute. The NRC deferred to the DNR representative who failed to answer the question. Instead, a representative from the Division of Fish and Wildlife stated that the DNR has allowed trappers to hold urine "for many years" because "during trapping season was when it's most valuable" and "that's been their (the trappers) request for years." In other words, the adoption of this rule was based on data to promote the welfare of the trappers not the welfare of the animals.

Although trapping for fur has a long tradition in Indiana and elsewhere, holding for urine does not. Lewis and Clarke trapped for fur, not for urine. It would seem the DNR is allowing this practice to offset declining prices of fur, a practice that in no way enhances the welfare of the animals. Allowing trappers to hold these animals beyond the time necessary to kill them for their fur is wrought with the potential for abuse. The trappers have no incentive to feed these animals particularly when it would be expensive to do so. If they just give them water, they will produce urine until they starve to death. Is that what our NRC and DNR choose to promote? It's interesting to note that none of our neighboring states, not Ohio, Michigan, Illinois or Kentucky allow this cruel practice.

I have spoken to many who personally know trappers. According to them, not all trappers hold these animals for their urine. Many kill them as soon as they are captured. Based on the insignificant value of raccoon, coyote and fox urine, factory farming for urine won't revive trapping. If trappers want to buy urine, they can get 8 oz. on the internet for \$ 6.20 from raccoon urine vendor, Fleming Outdoors. If that's what it sells for through a distributor, the trappers must get far less than that when they sell it. So it's not like urine is otherwise not available if the trappers can't confine our wildlife during trapping season. Most likely, the urine that is sold by vendors is collected by raccoon breeders who have to obtain a permit and

comply with rules. If the trappers want raccoon urine for bait, they can buy it at <http://www.flemingoutdoors.com/raccoon-urine.html> rather than inhumanely confining Indiana's raccoons to collect it. In fact, trappers can buy urine for all of the furbearers now being illegally held including fox, coyote and raccoon. The trappers merely need to go to the following website to get it: <http://www.markjuneslures.com/fresh%20urines.htm> from furbearer urine vender, Mark Junes Lures. They can get a pint of red fox urine for \$ 5.00, a pint of gray fox urine for \$ 6.00, a pint of raccoon urine for \$ 6.50 and a pint of coyote urine for \$ 6.00.

The trappers who are holding these animals are most likely doing so as a commercial enterprise with no requirement for any type of permit. All individuals who hold wild animals, other than trappers, must have a permit to do so. This includes possession to just have the animal (Possession Permit required), possession to breed the animals for sale or fur (Breeders Permit) or even for the good Samaritan activities of wildlife rehabilitators who spend their own time and money freely and with no personal gain merely to save the lives of helpless orphans. (Rehabilitation Permit required). These permits are controlled by stringent rules not included in the amendments being currently offered regarding the trappers. Moreover, no good Samaritans who find and try to raise a wildlife orphan without a rehabilitation license, even in cases where they cannot find a rehabilitator, are given a pass. They are told they better not do it because they will be breaking the law. Yet, the DNR has carved out a special "understood" exception, not specifically stated in any rule. The DNR encourages those who wish to hold our wild animals for urine collection only to kill them later. They can do so with no permit. Yet, at the same time they point-blank prohibit good Samaritans from doing the same thing for a benevolent purpose. Saying that such hypocrisy is disappointing is putting it mildly. The NRC and the DNR should be shamed by such a double standard.

In light of the tremendous risks inherent to the animals and to mitigate these risks, I propose the following:

1. All trappers must be required to get the usual trapping license that can be obtained on line. Those trappers can trap for fur but must kill or release all trapped animals within 24 hours or move them into a possession permit of some kind within five days.
2. Anyone who wants to hold the animals for urine collection or any other reason through trapping season must get a special permit, by application, from the DNR just like anyone else who holds these animals. If they are held during trapping season under a permit they must be sold or released, not killed, pursuant to IC 14-22-20-2.

The DNR and the NRC are granted powers through statute. They must comply with the statute or they go beyond the scope of their powers. The statute compels them to base their rules on data relative to the welfare of the animals. They have not, and are not, doing that. To allow the trappers to hold the animals with no permit requirement does not promote the welfare of the animals; on the contrary, it puts them at grave risk. Moreover, it results in unfair and disparate treatment to all of the other Indiana citizens who are required to have a permit to hold wild animals. What's good for the goose is good for the gander. If possessing our wildlife requires an application to get a permit to possess, breed or even rehabilitate Indiana's wildlife, the trappers who want to possess these animals longer than 24 hours should be required to do so as well so the animals will be protected. Requiring a permit will also benefit the DNR. With an application process, the DNR will know whom they are allowing to hold the animals for urine collection. That will result in a smaller number of places to check and better ability to at least minimally enforce any rules adopted as a means to protect the animals. The ones proffered at this point by the DNR and adopted thus far are totally inadequate but, hopefully, modifications will be made to give the rules some teeth.

Commenter points out that the rules being proposed for wildlife rehabilitators, who hold these animals for the benefit of the DNR and the citizens of Indiana, are far more stringent than those for a possession or a breeders permit. Sadly, it seems those most concerned with protecting, rather than exploiting, the wildlife are the ones the DNR deems most in need of strict regulation. The trappers, those least likely to have any vested interest in the animals other than exploiting them for urine and fur and ultimately killing them at the end of trapping season, have diluted regulations proffered.

Moreover, the DNR has no authority to require these animals to be killed at the end of trapping season. Doing so conflicts with the statute as to wildlife, trapping and permits. The statute that allows possessing wild animals during trapping season to move them into another permit does not allow them to be killed. IC 14-22-20-2 specifically states that those animals must be brought into the breeder's program "Otherwise, the animal shall be released." If the DNR fears that holding them will result in disease because of the insufficient diluted rules proposed and the lack of interest in the welfare of the animals by the trappers, then this practice of holding animals during trapping season should not be allowed at all or the rules should be written in a way to protect the animals from disease.

I earlier proposed rules that could be applied to these trappers. I will be re-submitting my proposed rules in a subsequent comment. My rules were directly taken from those proposed by the DNR for the wildlife rehabilitators. All of the reasons proposed by the DNR as requiring the stricter rules for rehabilitators apply equally to the trappers. The same animals are being held and the same suffering and disease would come about whether held by rehabilitators or trappers. Thus, the same strict rules are necessary.

I find no support, in the current law or rules, for this practice of allowing trappers to hold these animals. Attempting to bootstrap a new rule into existence by adding diluted rules as to how the animals can be held cannot change the underlying statutes or rules and does not provide for allowing the animals to be held in the first place. This attempt to legitimize holding

of these animals is currently going through the administrative process. I plan to fully participate and offer meaningful ways to protect the welfare of these animals which is what is legally required of the NRC and the DNR.

However, the administrative process does not exhaust all remedies. After the administrative process is completed, this issue may or may not need to be pursued for subsequent and final resolution. Much will depend upon whether or not the DNR actually provides some meaningful protections for these wild animals—something more than unenforceable rules merely promulgated to make it look as if something is being done. We need rules to protect the animals, not rules formulated by merely going through the process and insincerely soliciting and then ignoring comments. We need rules based upon data relative to the welfare of the animals not a rule based on what will enhance the welfare of the trappers. The NRC and the DNR have statutory duties to fulfill. Just going through the motions isn't enough.

Priscilla Herochik, R.N.J.D.

Time stamp

Commentor Name Priscilla Herochik, R.N.J.D.

Commentor County 45

Commentor State IN

Commentor City Crown Point

Commentor Organization Advocates for Indiana Wildlife

Commentor Email [Email Commentor](#)

Comment Following please find Alternate Proposed Rules for holding of trapped furbearers. These rules are modified from the proposed rules relevant to wildlife rehabilitators. Wildlife rehabilitators, like myself and others, rehabilitate raccoons, foxes and coyotes. Trappers trap and hold raccoons, foxes and coyotes. These animals have the same need for protection whether in possession of the rehabilitators or the trappers. Since they possess the same mammals, they must be held to the same standards of care. Therefore, they should be controlled by the same rules with minor modifications.

Alternative Rules Proposed for 312 IAC Trapped Wild Animal Holding Permit

This section governs a permit to possess a wild animal until the end of trapping season.

This permit is required for a trapper to take or temporarily possess any wild animal trapped for holding and ultimately furbearing purposes and for sale of furs and is available only to an individual who is a resident of Indiana.

An application for a permit under this section shall be completed on a departmental form and must establish the following:

- (1) The applicant has experience and knowledge regarding the needs of wildlife and care techniques or the trapper applicant must have one year of experience with an individual who has a license to hold animals and who has experience and knowledge regarding the needs of wildlife and care techniques.
- (2) The applicant has correctly answered at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology and care of wild animals and the laws relating to wild animal trapping. The questions will originate from department study materials and will be used in continuing education opportunities sponsored by the department.
- (3) A permit holder who has satisfied subdivision (2) must, within three (3) years of being issued a permit, either:
 - (A) satisfy the same requirements as are set forth in subdivision (2) on another examination; or
 - (B) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department.
- (4) An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after the second failure unless the individual has completed continuing education approved by the division, in which case the individual may take the test for a third time within one hundred eighty (180) days from the time the test was first taken.
- (5) The name and address of a veterinarian willing to assist the applicant with necessary medical needs of wild animals including treatment of trap related injuries. Should the trapped animal have such an injury, it must be immediately and humanely destroyed or taken to the veterinarian for treatment.. The veterinarian shall sign the application and attest to having experience in the care of the species of wild mammals to be held until the end of the trapping season. If the applicant

is a veterinarian, the signature of another veterinarian is not required.

(6) A listing of the wildlife care reference books in possession of the applicant. The individual must have at least one (1) reference book that:

- (A) includes information pertaining to each species listed on the application form, and
- (B) is on the list approved by the department.

(7) The applicant must submit the names, addresses, and telephone numbers of any other individuals who will assist the applicant.

(8) The applicant must submit the species or type of animals that will be trapped and held until the end of trapping season.

(9) The applicant must provide a description of the holding facilities, equipment, and supplies. The description shall include the following:

- (A) Cages.
- (B) Food sources
- (C) Medical supplies.
- (D) Transporting devices
- (E) Other items to be utilized in holding the animals through the trapping season.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches. The applicant shall list what species will be housed in the various enclosures .

(10) The individual must be at least eighteen (18) years old.

(11) The individual must submit documentation, such as a letter of reference, of experience with a licensed veterinarian or someone else trained in wildlife needs with the application form.

(12) An amended application must be filed with the division if there is a material change to the information including but not limited to the address of the applicant, name of assisting veterinarian, additional species of animals, or change in assistants to that provided in the original application. The amended application must include the name, address, and telephone number of any additional person who would assist the permit holder.

(A) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(B) A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition as follows and to conform with any other conditions specified by the permit.:

(1) Cages must be cleaned daily using non-irritating methods unless medical treatment necessitates otherwise.

(2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.

(3) Wild animals must be kept in an environment that minimizes human contact and lessens stress on the animals.

(5) Wild animals must not be placed in a cage that would allow physical contact of the animals with domestic, hunting or companion animals.

(6) If suspected of having an infectious disease, wild animals must be killed or quarantined in areas designated for that purpose.

(13) Wild animals must be kept in enclosures at all times and have contact with the permit holder or designated assistants only to the extent necessary to provide adequate care and treatment.

(14) Wild animals must be housed in enclosures that are:

- (A) structurally sound,
- (B) of sufficient strength for species involved,
- (C) maintained in good repair to prevent escape or injury to wild animals being rehabilitated,
- (D) constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility,
- (E) secured when unattended, and
- (F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health.

(15) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, poisonous vegetation may be used in the construction of enclosures.

(16) Enclosures shall have either visual barriers or be separated by distance far enough to restrict a wild animal's view of humans and other species being held to reduce stress.

(17) Ambient temperatures must be appropriate for the species located within the enclosure.

(18) Adequate ventilation by means of windows, doors, vents, fans or air conditioning shall be provided to protect wild animal health and to minimize drafts, odors and condensation.

(19) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photo period, if necessary for the species in possession.

(20) Adequate shade, weatherproof shelters, nest boxes, perches, and dens shall be provided to protect wild animals from inclement weather and direct sun if kept outdoors.

(21) Wild animals must be fed as follows:

(A) appropriately and adequately to meet nutritional needs.

(B) with food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

© with food receptacles that are appropriately sized, easily accessible, kept sanitary and safe.

(22) Wild animals must be given water as follows:

(A) every attempt should be made to provide fresh clean water for drinking throughout the day.

(B) Water receptacles must be appropriately sized, easily accessible, kept sanitary as much as possible and safe.

(23) Removal and disposal of wild animal food wastes, feces and urine, bedding, from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of. No carcasses from dead furbearers shall be fed to other furbearers at any time.

(24) Cages, equipment, and food and water receptacles shall be sanitized between each adult wild animal use to prevent disease transmission.

(25) At the end of trapping season, the animal shall must be released into the wild or possessed pursuant to another permit.

(A) The wild animal must be released on land only with permission of the landowner.

(B) A wild animal that is known to be diseased may not be released.

(26) A permit holder may possess a wild animal only until five days after the end of trapping season at which point it must be released or brought into another permit program.

(27) A permit holder may destroy a wild animal by a method that is recommended and approved by the division.

(28) The bodies, excluding the skin and fur, of wild animals that are destroyed or otherwise die while in the care of a trapper permit holder must be:

(a) Buried,

(b) Incinerated on private property with prior permission,

© Given to a veterinarian or landfill for proper disposal,

(d) Put in the trash if double-bagged,

(e) If destroyed with chemicals, disposed of only according to the label,

(f) Kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under 312 IAC 9-10-13.5,

(g) Donated to a properly licensed university or other educational or scientific institution if the permit holder has a special purpose salvage permit issued under 312 IAC 9-10-13.5.

(29) The permit holder must file an application by (whatever date would be best) of each year in order to renew the permit.

The annual report required under subsection ^ must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

(30) The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(31) A wild animal possessed pursuant to a permit issued under this section must not be displayed or placed in physical contact with the public. Public exhibition or display of any kind of wild animals being held to the public is prohibited except for trapper and assistants. Electronic viewing and photographs are allowed.

(32) A permit holder must maintain current records for each wild animal to include the following:

(A) The species and condition of the animal.

(B) The date of receipt by the permit holder.

(C) The treatment, including the use of any prescription products, provided to the animal while in captivity.

(D) The method and date of disposition of the wild animal.

(33) If a wild animal has been given an antibiotic, vaccine, or other chemical, the records must include the date the drug was given to the animal. All records must be maintained at the facility of the permit holder for a minimum of three (3) years.

(34) The permit holder shall provide an a signed annual report to the Division by Fish and Wildlife at the end of each year. The report shall list the following:

(1) The species and condition of each animal.

(2) The date the animal was received.

(3) The name and address county or other source.

(4) The method, location, and date of disposition of the animal.

The report may be a computerized record or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

(35) A permit holder must not commercially advertise trapping services or solicit for trapping a wild animal that is subject to this section.

(36) A copy of the permit issued under this section must be on the individual when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.

(l) (w) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article or IC 14-22.

(3) Another applicable state, local, or federal law.

Submitted by Priscilla Herochik, R.N.J.D., and Wildlife Rehabilitator.

Time stamp

Commentor Name Laura Nirenberg

Commentor County 46

Commentor State IN

Commentor City La Porte

Commentor Organization Wildlife Orphanage, Inc.

Commentor Email [Email Commentor](#)

Comment For the purposes of saving time and energy I will keep my comment simple. Trappers should not be allowed under any circumstances to trap and keep animals (regardless of species) live until trapping season is over. There is no legitimate excuse for these individuals to be able to torment these animals for long periods of time... and, there is no disputing that containing free-ranging furbearers is tormenting.

Time stamp

Commentor Name tom butters

Commentor County 89

Commentor State IN

Commentor City greens fork

Commentor Organization

Commentor Email [Email Commentor](#)

Comment

I am repelled that Indiana continues to allow canned hunting and particularly penned dog training using coyotes.

It is inconceivable to me that any individual who considers themselves "sportsmen" would participate in this ugly practice. And the argument that closing penned operations would present a financial hardship to owners has no more validity than the same argument presented on behalf of meth lab operators.

There is no plausible argument on behalf of canned hunting. I am a member of the NRA and I completely reject the notion, fostered by penning advocate, that "anyone has a right to hunt anytime anywhere." Not on my land they don't, and not according to Indiana hunting regulations.

I live in the country. I have four dogs- rescues-- and cats. I also have coyote neighbors. We maintain a natural truce: if the coyotes keep their distance, I and my scoped Ruger .270, will keep our distance. Subjecting these animals, any wild animals, to the cruel treatment that penned operators practice on behalf of sadistic customers, should clearly be against the law.

Time stamp

Commentor Name Jenny Bodwell

Commentor County 84

Commentor State IN

Commentor City Terre Haute

Commentor Organization

Commentor Email [Email Commentor](#)

Comment The NRC should not flip-flop on fox pens. Florida recently banned these pens, and I encourage you to please vote down this unethical proposal to allow pens to operate in Indiana. If the NRC passes these unenforceable regulations, it will be an invitation for pens to spring-up throughout the state. This is a cruel and inhumane practice, and should not be allowed to perpetuate in this state.

Time stamp

Commentor Name Debbie Boozer

Commentor County 43

Commentor State IN

Commentor City Mentone

Commentor Organization

Commentor Email [Email Commentor](#)

Comment The NRC should not flip-flop on fox pens. Florida recently banned these pens, and I encourage you to please vote down this unethical proposal to allow pens to operate in Indiana. If the NRC passes these unenforceable regulations, it will be an invitation for pens to spring-up throughout the state

Time stamp

Commentor Name Joan Diamond

Commentor County 49

Commentor State IN

Commentor City Indianapolis

Commentor Organization

Commentor Email [Email Commentor](#)

Comment If this is the rule you want to change to allow trapping foxes and allowing fox pens, I am very much against the change. Please continue to pursue a ban on fox pens. The proposed permit system would be unenforceable and just be a huge drain on your agency. Please, continue to ban fox pens. Thank you.

Time stamp

Commentor Name Alan Fawley

Commentor County 2

Commentor State IN

Commentor City Fort Wayne

Commentor Organization

Commentor Email [Email Commentor](#)

Comment The NRC should not flip-flop on fox pens. Florida recently banned these pens, and I encourage you to please vote down this unethical proposal to allow pens to operate in Indiana. If the NRC passes these unenforceable regulations, it will be an invitation for pens to spring-up throughout the state

Time stamp

Commentor Name Anastasia Trekles

Commentor County 45

Commentor State IN

Commentor City Highland

Commentor Organization

Commentor Email [Email Commentor](#)

Comment I wish to comment that I do not approve of the trapping and penning of wild animals for sport. Please ensure that the DNR does not allow hunters and others to keep wild furbearing animals penned during the hunting season so that they may be used for sport and dog training exercises. The brutality of penning plus lack of intelligent wildlife practice should ensure that dog-training enclosures are outlawed throughout that state.

Time stamp

Commentor Name Jeannie Deibel

Commentor County Out of State

Commentor State NC

Commentor City Greensboro

Commentor Organization

Commentor Email [Email Commentor](#)

Comment Please prohibit fox and coyote penning in Indiana. This inhumane practice, where the animal is put into an enclosed space and torn apart by hunting dogs, shows no sense of the fair play that every true sportsman believes in.

Time stamp

Commentor Name Cheryl Scher

Commentor County Out of State

Commentor State VA

Commentor City Atlantic

Commentor Organization

Commentor Email [Email Commentor](#)

Comment I am writing in support of a complete ban on the cruel penning of wildlife in Indiana. I was very disturbed to learn that, sadly, the Indiana Natural Resources Commission (INRC) has preliminarily approved a rule that would legalize this horrific practice.

"Penning" is a blood sport that involves trapping and dumping foxes and coyotes into fenced enclosures and releasing packs of frantic dogs into the pens. The terrified wild animals are terrorized to the point of exhaustion, cornered, and often torn to shreds. Survivors suffer through this horror again and again, and the events can last for days. But the terror begins weeks earlier when the animals are snared and removed from their habitats and families and then transported.

Graphic videos of penning can be found--click here for more further information.

Please do all that is within your power to help put a complete end to this cruel penning of wildlife in Indiana. Thank you for your time and attention to this matter.

Cheryl Spencer Scher

Atlantic, VA

Time stamp

Commentor Name Eliza Ekins

Commentor County 20

Commentor State IN

Commentor City Elkhart

Commentor Organization Wildcat Creek Wildlife Rehabilitation Center

Commentor Email [Email Commentor](#)

Comment Please do not eliminate the section requiring individual land owners to report fur-bearing animals captured on their land, this encourages landowners to "keep wildlife as pets"; Rehabilitated fur-bearers (specifically juveniles raised in family groups) should be allowed to be released as groups to increase survival probabilities in the wild; and rehabilitators should be held to a uniform standard, not be "grand-fathered" in using unscientifically proven rehabilitation techniques that both endanger the rehabilitated animals and the community in which they are released (they often are acclimated to humans and will seek out human dwellings for food, etc)

Time stamp

Commentor Name Bradley Smith Savage

Commentor County 29

Commentor State IN

Commentor City Carmel

Commentor Organization

Commentor Email [Email Commentor](#)

Comment Please stop all hunting, gaming and penning in Indiana! God has a natural way of population control.

Time stamp 12/05/2010 12:27:34 PM

Commentor Name joe berard

Commentor County Out of State

Commentor State MA

Commentor City uxbridge

Commentor Organization peta

Commentor Email [Email Commentor](#)

Comment just use faux fur!

Time stamp 02/06/2011 06:52:43 AM

Commentor Name Greg Yazel

Commentor County 16

Commentor State IN

Commentor City Greensburg

Commentor Organization

Commentor Email [Email Commentor](#)

Comment I approve the proposed rules. It gives farmers a little more flexibility to control squirrels and raccoons when the crops are being damaged, and before their seasons open.

Time stamp 03/01/2011 11:04:59 AM

Commentor Name Keith Ray Eicher

Commentor County 2

Commentor State IN

Commentor City New Haven

Commentor Organization

Commentor Email [Email Commentor](#)

Comment Sec 15.(a) add "coyote" to proposed list

Time stamp 03/06/2011 07:13:06 AM

Commentor Name Thomas H. Larson

Commentor County 45

Commentor State IN

Commentor City Shelby

Commentor Organization

Commentor Email [Email Commentor](#)

Comment Very good, glad to see the possession limit change for the lack of fur buyers.

Time stamp 03/27/2011 02:46:24 PM

Commentor Name Timothy J Julien

Commentor County 49

Commentor State IN

Commentor City Indianapolis

Commentor Organization

Commentor Email [Email Commentor](#)

Comment Myself and fellow trappers all agreed to support reasonable requirements to improve the holding and housing of fur-bearers during the trapping season. I support the provisions added in paragraph H. of the proposed changes.

I do not support the limited list of fur-bearers that is proposed. There is no valid reason to restrict the species that can be held during the season. The holding of these animals have been very temporary and for many different reasons, for example if I need to collect Muskrat or Mink Urine i don't need to hold the animal more than a few weeks, at which time the animal would be harvested. By restricting the live procession during trapping season I would be forced to purchase urine from out of state sources and my trapping license is reduced in value as a result. In the FIS the department states this change effects 25 small businesses, this change effects over three thousand or how ever many trapping licenses are sold each year. Minor effect to each but it effects all of them.

I support the housing requirements but strongly oppose the changes to restriction of fur bearer species that can be held during the season.

I was in the meeting when we asked for the removal of the antiquated possession rules of unprocessed hides and carcasses. Fur Buyers association was later queried and they had no objection and positive comments regarding the removal of possession rules. There is no reason to not allow possession of legally taken fur-bearers year round. It should be no different than any other wildlife harvested with a valid license. When I harvest a Rabbit I can freeze it for as long as I like without penalty. But if I harvest a Raccoon I must eat it before twenty day after the season and now the IDNR proposes to let me keep it till May or fill out a form and keep it to Jun than I would have to throw it away and waste it or be in violation. The issue is in today's economy, Furs must be carefully marketed and sold when timing is right. Today I have (possess) furs in Canada at auction houses waiting sale. I still "possess" them and they have not nor ever will be sold to a "licensed Fur Buyer" within twenty day of a season ending date. I have to ship them out of state and hope or put them in the landfill to comply with the old or new proposed regulation. I also possess legally taken Fox and Coyotes that are intended to be tanned. They are hanging waiting for funding, similar to that trophy buck that will eventually be mounted when I get enough money saved. The only difference is the buck is legal in my freezer while the fox and coyote skins define me as a criminal. These possession rules do nothing except require wanton waste of wildlife. There should be no time limit on the possession of legally taken wildlife.

I support the change to the regulation for property owners protecting property, except more species should be added such as Chipmunks, rabbits, red squirrels and other non game animals. Should rather be stated all animals, except..... or as approved by the department on a case by case basis. It is the departments decision to not collect data as to how many damage complaints are being addressed by the property owners.

In summary ;

1. remove the possession time limit of legally harvested wildlife,
2. add the the housing requirements proposed by paragraph H.
3. remove the proposed restrictions on certain species being allowed to be possessed live during the season.

Time stamp 04/06/2011 09:31:21 AM

April 8th, 2011

Natural Resources Commission
Indiana Government Center, North
100 North Senate Ave, Room N 501
Indianapolis, Indiana 46204

Dear Commissioners;

The eight trapping associations, including seven chapters of the Fur Takers of America and the Indiana State Trappers Association all agreed to support reasonable requirements to improve the holding and housing of fur-bearers during the trapping season. Our representatives met with IDNR staff and reviewed requirements as proposed in Para H.

The trappers of Indiana Oppose the reductions to the list of fur-bearers that may be held live during the season, as proposed. There is no valid reason to restrict the species that can be held during the season. The holding of these animals have been very temporary and for many different reasons, for example if a trapper or lure maker needs to collect Muskrat, Mink, Opossum, Weasel, or even Beaver Urine, they need to hold the animal no more than a few weeks, at which time the animal would be harvested. By restricting the live procession during trapping season the trapping license is reduced in value. In the FIS the department states this change only affects 25 small businesses, this change affects over three thousand or how ever many trapping licenses are sold each year. Minor effect to each but it effects all of them. This change does not address any real or perceived problems and only adds complication and confusion.

These changes create complicated transport issues in understanding temporary transport requirements. The associations feel like they are being forced to except these changes with the remarks in the FIS which state: (Para phrased) not allowing any species to be held live during the season would be the alternative.

The trapping associations support the proposed housing requirements but strongly oppose the proposed changes restriction on which species of furbearer that can be held during the season.

During these discussions and review we suggested and requested that the outdated possession requires could be removed. After the meetings we addressed this with the Fur Buyers Association and there was mutual support with no objection being voiced.

To require trappers and hunters to discard their legally harvested animals is wasteful; to not allow trappers and hunters to properly market and utilize these animals is not in the best interest of wildlife management and causes wanton waste of a valuable resource.

We have asked and have not found any explanation or reason to limit the possession of legally taken fur-bearers. It should be no different than any other wildlife harvested with a valid license. When I harvest a Rabbit I can freeze it for as long as I like without penalty. But if I harvest a Raccoon I must eat it before twenty days after the season and now the IDNR proposes to let us keep it till May or fill out a form and keep it to Jun. After these arbitrary dates the meat would have to be thrown away and wasted and hides put into a restricted market.

In today's economy, Furs must be carefully marketed and sold when timing is right. Today many have (possess) furs in Canada at auction houses waiting sale. Trappers still "possess" them and they have not, nor ever will be sold to a "licensed Fur Buyer" within twenty day of a season ending date. Many have to ship them out of state and hope or put them in the landfill to comply with the old or new proposed regulation. Many Hunters and Trappers also possess legally taken Fox, Mink, Weasels, Beaver and Coyotes as well as other furbearers that will be mounted or tanned. They are holding them no differently than that trophy Buck or Turkey that will eventually be mounted. The only difference is the Buck and Turkey is legal in my freezer, while the fox and coyote skins define me as a criminal. These possession rules do nothing except require wanton waste of wildlife and or force sale out of state. There should be no time limit on the possession of legally taken wildlife.

We also support the change to regulations for property owners protecting property; we think more species could be added to the list. Recommend some method of collecting data on conflicts i.e. Web site reporting, call in, etc.

In summary;

1. Oppose and recommend removal of the possession time limit of legally harvested wildlife.
2. Support the housing requirements proposed by paragraph H.
3. Oppose and recommend removing the proposed restrictions on certain species being allowed to be possessed live during the season. This should remain with all furbearers having the same rules of possession.
4. Support the proposed disposition rules for wildlife causing damage and recommend some method of recording or collecting data.

Sincerely,

Ron Elliott, President ISTA
Tim Rose, State Organizer FTA

Kane, Jennifer

From: Michelle Davis [hockeyhippie88@yahoo.com]
Sent: Wednesday, July 28, 2010 5:12 PM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking

Name: Michelle Davis

City/County: Terre Haute, Vigo

State: INDIANA

Organization:

Email: hockeyhippie88@yahoo.com

Comments: Please amend the rule so the people trapping these animals at least has to treat them humanely before murdering them for their fur. Indiana needs to just get with the program and ban trapping already.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Patricia L. Chang [tpc1133@aol.com]
Sent: Saturday, July 24, 2010 12:55 AM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking
Name: Patricia L. Chang
City/County: Indianapolis
State: Indiana
Organization: Advocates for Indiana Wildlife
Email: tpc1133@aol.com
Comments: The Citizens of Indiana and elsewhere will not take their violation of statutory duty without fighting...back. DNR must comply with IC14-22-2-6 and look after the welfare of the animals, not the financial interests of the trappers.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Katherine McGill [kmcg9@aol.com]
Sent: Friday, July 23, 2010 8:15 AM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking

Name: Katherine McGill

City/County: Canon City

State: CO

Organization:

Email: kmcg9@aol.com

Comments: I do not support Trappers being allowed to keep wildlife - ESPECIALLY for exploitation and ESPECIALLY without standards that are as strict as any other citizen holding wildlife, and without adequate inspection and enforcement of proper animal care standards.

If YOU can't ensure AND enforce humane animal welfare regs - don't allow it at all!! Demand prompt, humane euthanization or relocation of these animals - do not allow them to be stuffed in cages for ANY reason other than for rehabilitation. This is our law in CO, and what you are allowing is CRUEL, and no doubt unacceptable to the majority of your citizens. Obviously they don't yet know.

Why must anyone need to ask or worse fight for you to do your job of protecting wildlife??

Please stop operating as "what the majority doesn't know, we need not worry about".

Again - IF IT ISN'T HUMANE AND IF YOU CAN'T ENFORCE THAT IT IS -DON'T ALLOW IT!

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Brent L Baker [bakercp20@msn.com]
Sent: Thursday, July 22, 2010 9:29 PM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking
Name: Brent L Baker
City/County: Hendricks
State: Indiana
Organization:
Email: bakercp20@msn.com
Comments: I fully support this amendment.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Ryan Armour [Haggard75@yahoo.com]
Sent: Thursday, July 22, 2010 8:39 AM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking
Name: Ryan Armour
City/County: Franklin
State: Indiana
Organization:
Email: Haggard75@yahoo.com
Comments: I think the new amendments are great.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Brigitta Stewart [brigittastewart@hughes.net]
Sent: Thursday, July 22, 2010 8:07 AM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking

Name: Brigitta Stewart

City/County: Fowlerville

State: mi

Organization:

Email: brigittastewart@hughes.net

Comments: Suspend the rule that allows trappers to hold animals that they trap and kill them later. The rule is not based on the welfare of the animal and, thus, is not in compliance with the statute allowing the NRC to make rules. Thus the rule should be suspended.

Please lessen the suffering of our hunted wildlife.

Brigitta Stewart

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Priscilla Herochik, R.N.J.D. [Herochik@sbcglobal.net]
Sent: Wednesday, July 21, 2010 7:46 PM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking
Name: Priscilla Herochik, R.N.J.D.
City/County: Crown Point, Lake County
State: Indiana
Organization: Advocates for Indiana Wildlife
Email: Herochik@sbcglobal.net

Comments: This rule is a farce that fails to comply with the law because, when enacted, it was clearly not based upon data relevant to the welfare of the wildlife or the people of Indiana. Consistent with its action for decades, the NRC has placed the interests of hunters and trappers above the welfare of the wildlife and above the interests of the great majority of the citizens of Indiana. Nothing short of repeal or striking it down can fix this rule. We can only hope for its timely demise.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: Rebecca [whiskeyrungle@yahoo.com]
Sent: Wednesday, July 21, 2010 6:38 PM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking

Name: Rebecca

City/County: Washington

State: Indiana

Organization:

Email: whiskeyrungle@yahoo.com

Comments: I am glad to hear that fur bearing mammals are finally getting
soprotection. I hope this law is going to include inspections and
vetvisits, I would like to see pop inspections personally but I am gladto
see that these animals are being given consideration and have to betreated
humanely.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

Kane, Jennifer

From: CeAnn Lambert [ceannirc@yahoo.com]
Sent: Wednesday, July 21, 2010 5:05 PM
To: nrcrules
Subject: Furbearer Possession/Taking

Subject: Furbearer Possession/Taking

Name: CeAnn Lambert

City/County: Carroll

State: IN

Organization: Indiana Coyote Rescue, Ban Live Bait Dog Training

Email: ceannirc@yahoo.com

Comments: I would like to see that any person or organization that houses wildlife be required to have inspections of their facilities and have a veterinarian sign off on the animals care. I just ask that trappers and anyone else housing Indiana's wildlife be subjected to the same high standards as other permit and license holders. I support any rules that the DNR puts in place that causes trappers to take more humane care of Indiana's wildlife that they house.

FIELDS NOT DEFINED IN THE TEMPLATE FOLLOW

EXHIBIT B

Response from the DNR Division of Fish and Wildlife

Restricting the species of furbearers that can be possessed alive

Right now, trappers can keep any legally taken furbearer alive that they trap during the season for that animal until the end of the season. The DNR Division of Fish and Wildlife (DFW) believes that only raccoons, grey foxes, red foxes, and coyotes that are trapped should be retained alive for a legitimate purpose such as the collection of urine to use for trapping other animals. The DFW believes that these are the most commonly kept species. It also allows trappers to have another source of revenue by allowing for the collection and sale of the urine of these species. The prices of hides for muskrats, opossums, and skunks are low enough (less than \$4.00 per animal) that the DFW does not believe that many trappers keep these species alive during the rest of the trapping season; they would spend more money housing and caring for the animals than in selling the hide or carcass. The average price per pelt for the two most recent trapping seasons for which we have data, as reported by licensed fur buyers, was as follows:

<u>2009-2010</u>	<u>2008-2009</u>
Muskrats - \$3.52	Muskrats - \$2.28
Raccoons - \$4.44	Raccoons - \$6.49
Red Fox - \$9.99	Red Fox - \$8.37
Grey Fox - \$11.32	Grey Fox - \$16.22
Coyote - \$6.96	Coyote - \$6.64
Mink - \$7.43	Mink - \$8.36
Opossum - \$0.96	Opossum - \$1.03
Striped skunk - \$2.24	Striped skunk - \$2.39
Beaver - \$8.54	Beaver - \$10.63
Weasels - None sold	Weasels - \$1.70

The DFW does recognize that the temporary possession of other species to allow for the collection of urine would benefit trappers by allowing them to make lures and possibly create another source of revenue. The DFW believes that furbearers should be required to be euthanized at the trap site, thus reducing the number of species that can be kept alive.

The DFW does not have an estimate on the number of trappers that keep any of these other species of animals alive, but the DFW does not believe that all trappers do so. With the addition of housing requirements, any trappers that keep these animals to collect and/or sell their urine may have to purchase cages and food that meet the requirements set forth in this rule. While the Division of Fish and Wildlife did estimate that twenty-five (25) businesses (with a tax identification number) would be affected by these changes, the DNR did state in the cost-benefit analysis of this rule proposal that these changes would affect approximately 4,000 trappers, based on the number of trapping licenses sold last year and the number of lifetime trapping licenses.

The DFW does not believe that a permit is needed for trappers to keep these animals alive during the remainder of the season for that animal. Conservation officers can easily determine if a person has a trapping license through the DNR's licensing system, and officers would likely

already be aware of most of the trappers in their county. Furthermore, the state law governing game breeder licenses in IC 14-22-20-2 allows an individual who acquires a furbearing mammal alive during the season to apply for a game breeder license within five (5) days after the last day of the open season for the animal. State laws and administrative rules already allow individuals to keep wild animals as pets under a wild animal possession permit (including non-releasable wild animals taken in by wildlife rehabilitators and used for educational purposes), a game breeder license, and a wild animal rehabilitation permit; therefore, the DFW is not inconsistent in allowing for the possession of these wild animals with housing requirements.

Housing requirements

The DNR has the statutory mandate in IC 14-22-2-3 and 14-22-2-6 to provide for the welfare of wild animals and believes that it is necessary to establish housing and care requirements for these wild animals that are being kept in captivity for up to six (6) months (in the case of coyotes). The DNR is aware of at least one trapper that was cited by a city police department for what appeared to be improper housing of coyotes during the trapping season. The DNR has similar standards for the housing of wild animals possessed under the game breeder license (IC 14-22-20 and 312 IAC 9-10-4), wild animal possession permit (IC 14-22-26 and 312 IAC 9-11), and wild animal rehabilitation permits (312 IAC 9-10-9). Animal cruelty laws (IC 35-46-3-5) do not apply to the possession of furbearers that are trapped because of the exemption for trapping and other activities conducted under the authority of IC 14-22.

Transportation of furbearers that are live-trapped

The DNR has proposed requirements in 312 IAC 9-3-14.5(e) that would allow a trapper to release an animal back into the wild in the county in which it was captured or euthanize the animal immediately after removal from the trap site or transport from the trap site. This would allow trappers to dispatch furbearers at locations other than the trap site, where the use of a firearm may be prohibited. Public comments indicated that these changes “create complicated transport issues in understanding temporary transport requirements.” Therefore, a technical change is needed to clarify that the twenty-four hour period of time applies to those species that are live-trapped and released

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal must ~~within twenty-four (24) hours of capture~~ either:

(1) release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture; or

(2) euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site.

Possession of raw hides and unprocessed carcasses

Currently, trappers and hunters can possess the untanned hides or unprocessed carcasses of furbearing mammals for no more than 20 days after the close of the season for that species. The proposed change would allow a trapper to keep these raw furs and carcasses until May 15 of the year the season closes or June 15 with written notice to the DNR. This extension of time would

allow trappers to sell their hides to the first North American Fur Auction. Extending the deadline to May 15 without any additional requirements gives trappers much needed time to process the fur and sell it to a licensed fur buyer or the North American Fur Auction. Allowing the possession of these raw hides and unprocessed carcasses year-round would allow trappers to get a better price for the fur if the market value were to increase in future months or years, but it would also allow the waste of furbearers that are trapped if they are not sold, especially if the market value were to decrease (although this can happen now if the trapper is unable to sell the fur in time). Allowing the possession of these year-round could also make it difficult to know whether or not these animals were taken during the season or outside the season under a nuisance wild animal control permit. Nuisance wild animal control operators cannot retain the hides, carcasses, or other parts of wild animals that are taken for more than 48 hours after taking the animal, and many of these permit holders also have trapping licenses to trap furbearers during the season. A licensed trapper can purchase a fur buyer's license for \$75.00 (resident fee) that would allow him/her to possess raw furs and unprocessed carcasses for a longer period of time. Kentucky and Michigan already allow the possession of raw hides of these species of furbearers year-round. Wisconsin and Missouri are currently in the process of changing their regulations to allow for the year-round possession. Illinois only allows them to be possessed for no more than 20 days after the close of the season for that animal.

EXHIBIT C

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #10-614(F)

DIGEST

Amends 312 IAC 9-3-14.5 to specify requirements for the release and possession of live furbearing mammals during the season and the disposition of furbearing mammals taken during the hunting and trapping season. Amends 312 IAC 9-3-15 governing the taking of a wild animal that is damaging property. Effective 30 days after filing with the Publisher.

SECTION 1. 312 IAC 9-3-14.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-20

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken ~~for more than twenty (20) days after the close of the hunting or trapping season:~~ **except as authorized under subsection (d):**

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

(b) An individual must not possess a live furbearing mammal ~~listed in subsection (a)~~ outside the hunting or trapping season except under one (1) of the following:

- (1) A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit in compliance with 312 IAC 9-11.
- (3) A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.
- (4) A scientific purposes license in compliance with 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.
- (6) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live furbearing mammal ~~listed in subsection (a)~~ except:
 (1) during the hunting and trapping season established in this rule for that ~~animal~~; **species**; or
 (2) with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(d) An individual ~~must not~~ **may** possess the untanned hide **or unprocessed carcass** of a furbearing mammal listed in subsection (a) ~~except~~; **as follows**:

(1) During the hunting and trapping season established in this rule for that ~~animal~~; **species**.

(2) ~~for not more than twenty (20) days after the close~~ **Until May 15** of the year the hunting or trapping season **closed** as established in this rule for that ~~animal~~; **species**.

(3) **Until June 15 of the year the hunting and trapping season closed for that species if the individual submits a report to the department by May 15 on a signed departmental form that lists the number of untanned hides and unprocessed carcasses possessed by species and not sold to a licensed fur buyer.**

(4) With a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-10-12.

~~(4)~~ (5) With a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-10-5. ~~or~~

~~(5)~~ (6) With a valid special purpose salvage permit in compliance with 312 IAC 9-10-13.5.

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal **must either**:

(1) **release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture; or**

(2) **euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site.**

(f) A captive furbearing mammal that is being transported must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(g) An individual who lawfully takes a:

(1) raccoon;

(2) red fox;

(3) gray fox; or

(4) coyote;

during the trapping season for that species may possess that animal live in captivity during the remainder of the trapping season for that species only as provided in subsections (f) and (h).

(h) After removal from a trap and transport from the trap site, an individual possessing a furbearing mammal under subsection (g) **must do the following**:

(1) **Confine the mammal in a cage or other enclosure as follows**:

(A) **A cage or other enclosure that**:

(i) **makes escape of the mammal unlikely and prevents the entrance of a free-roaming mammal of the same species;**

(ii) **is structurally sound;**

- (iii) is of sufficient strength for the species involved;
 - (iv) is maintained in good repair and smoothly secured to prevent escape or injury to the mammal in the enclosure;
 - (v) is constructed to allow sufficient space for individual posture, to turn about freely, and to make normal social movements;
 - (vi) is secured when unattended with protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the mammal's health; and
 - (vii) has ambient ventilation by means of windows, doors, vents, fans, or air conditioning to protect the health of the mammal and to minimize drafts, odors, and condensation.
- (B) Night quarters, transportation cages, and nesting boxes may not be used as primary housing.
- (C) Surface water must be adequately drained from a cage or enclosure where the mammal is housed.
- (D) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod, if necessary for the mammal in possession.
- (2) Provide the following for the comfort of the particular species of mammal:
- (A) Fresh, clean drinking water in clean containers on a daily basis.
 - (B) Appropriate and adequate food that is as follows:
 - (i) Unspoiled.
 - (ii) Uncontaminated.
 - (iii) Appropriate to the dietary needs of the mammal.
 - (iv) Of sufficient quantity for the mammal involved.
 - (v) Provided on a daily basis.
 - (C) Adequate shelter from the elements.
 - (D) Adequate shade.
- (3) Remove and dispose of food wastes, feces, urine, and bedding from the enclosure and premises daily to maintain sanitary conditions and protect the mammal and human health.
- (4) Remove trash, garbage, debris, and carcasses from the enclosure as soon as they are observed and appropriately disposed of.
- (5) Either:
- (i) euthanize a mammal possessed under this section no later than the last day of the season for that species; or
 - (ii) apply for a game breeder license under IC 14-22-20 and 312 IAC 9-10-4 within five (5) days after the close of the season for that species.
- (6) Make a mammal possessed under this section available for inspection by a conservation officer upon request.

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)

SECTION 2. 312 IAC 9-3-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take:

- (1) a beaver;
 - (2) a mink;
 - (3) a muskrat;
 - (4) a long-tailed weasel;
 - (5) a red fox;
 - (6) a gray fox;
 - (7) an opossum;
 - (8) a skunk;
 - (9) a raccoon;
 - (10) a fox squirrel; or
 - (11) a gray squirrel;
- that is discovered while damaging property.

(b) An individual who takes a mammal under subsection (a) must: ~~report the taking to a conservation officer within seventy-two (72) hours of the taking. The individual must dispose of the mammal in a lawful manner. An individual must not~~

- (1) release a the mammal except on land in the county where the mammal was captured only with permission of the landowner or property manager; or**
- (2) euthanize the mammal within twenty-four (24) hours of capture.**

(c) An individual who takes a mammal under subsection (a) must not do the following:

- (1) Possess the mammal for more than twenty-four (24) hours.**
- (2) Sell, trade, barter, or gift the mammal.**

(Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)